

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 17, 2012**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, Mortimer, and Toryanski, absent and excused.

Prayer was offered by Senator Curt McKenzie.

The Pledge of Allegiance was led by Tess Warzyn, Page.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourth Order of Business.

Reading of Communications

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Senate

Dear Mr. President:

Pursuant to Section 72-1508, Idaho Code, I hereby transmit a copy of the new Legislative plan submitted by the [Commission for Reapportionment](#). This report includes the revised plan as directed by the Idaho Supreme Court that was adopted on January 30, 2012.

I thank you for your cooperation in this matter.

Sincerely,
/s/ Ben Ysursa, Secretary of State

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Commission for Reapportionment Revised Findings and Conclusions was ordered spread upon the pages of the Journal in the appendix.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 17, 2012

The JUDICIARY AND RULES Committee reports that [S 1331](#) and [S 1332](#) have been correctly printed.

DARRINGTON, Chairman

[S 1331](#) was referred to the Education Committee.

[S 1332](#) was referred to the Judiciary and Rules Committee.

February 16, 2012

The AGRICULTURAL AFFAIRS Committee reports out [SCR 117](#) without recommendation.

SIDDOWAY, Chairman

[SCR 117](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2012

The TRANSPORTATION Committee reports out [S 1310](#), [S 1312](#), and [S 1313](#) with the recommendation that they do pass.

HAMMOND, Chairman

[S 1310](#), [S 1312](#), and [S 1313](#) were filed for second reading.

February 16, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1215](#), [S 1255](#), and [S 1277](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 16, 2012

The JUDICIARY AND RULES Committee reports that [S 1215](#), as amended, [S 1255](#), as amended, and [S 1277](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1215](#), as amended, [S 1255](#), as amended, and [S 1277](#), as amended, were filed for first reading.

February 16, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jeffery Sayer as the Director of the Department of Commerce, term to continue at the pleasure of the Governor.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [S 1307](#), [S 1308](#), [H 374](#), and [H 375](#) with the recommendation that they do pass.

ANDREASON, Chairman

[S 1307](#), [S 1308](#), [H 374](#), and [H 375](#) were filed for second reading.

February 16, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 438](#), [S 1314](#), and [S 1316](#) with the recommendation that they do pass.

CORDER, Chairman

[H 438](#), [S 1314](#), and [S 1316](#) were filed for second reading.

February 16, 2012

The EDUCATION Committee reports out [S 1327](#), [S 1328](#), and [S 1329](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1327](#), [S 1328](#), and [S 1329](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1223](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2012

Dear Mr. President:

I return herewith Enrolled [S 1213](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1213](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1333](#)

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

[S 1333](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[S 1215](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1255](#), as amended, and [S 1277](#), as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1301](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1298](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 391](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1291](#), by Resources and Environment Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Call of the Senate was requested by Senator Darrington. Senators Davis and Hammond rose in support of the call.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski, absent.

The President directed the Sergeant at Arms to find and present Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski to the Senate.

Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

[S 1268](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—LeFavour. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1268](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

President Pro Tempore Hill called Senator Darrington to the Chair.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 10 a.m., Monday, February 20, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary